



## *Report to the Auburn City Council*

Action Item  
Agenda Item No. **5**

City Manager Approval

**To:** Mayor and City Council Members  
**From:** Bernie Schroeder, Director of Public Works  
Megan Siren, Administrative Analyst  
**Date:** July 22, 2013  
**Subject:** Ratification of Placement of 2013/2014 Sewer Assessments on Tax Roll

### **The Issue**

Shall Council ratify its action on June 24, 2013 to place Sewer Service Use Charges for the 2013/2014 fiscal year on the Placer County tax roll for collection?

### **Conclusion and Recommendation**

Staff recommends that City Council

1. BY RESOLUTION, ratify the City Council action taken on June 24, 2013 to place sewer service charges for Fiscal Year 2013/2014 on the County of Placer Tax Roll.

### **Background**

The City Council adopted rates for Sewer Service Use Charges on April 8, 2013. However, those charges may be collected by the County on the tax roll if the City adopts a resolution to that effect.

Each year the City is required to conduct a Public Hearing and to adopt a resolution authorizing the collection of the City of Auburn Sewer Service Use Charges on the County of Placer Tax Roll. City of Auburn Municipal Code Section 52.029(B) requires the Administrative Services Director to prepare and file with the City Clerk a written report containing the description of each premises connected to or discharging any sewage into the sanitary sewer system of the City, and the amount of the Sewer Service Use Charge for each premises for the upcoming fiscal year.

On June 24, 2013, the Council held a noticed public hearing to consider the written report and to authorize placing the Sewer Service Use Charge on the Placer County Tax Roll for collection. The Health & Safety Code can be interpreted to require four affirmative votes to adopt that resolution, but only three Councilmembers were present. Accordingly, to avoid any dispute on this issue, staff recommends the Council ratify its earlier action and thereby supply the four affirmative votes which may be needed to pass Resolution No. 13-59.

**Alternatives Available to Council; Implications of Alternatives**

1. Implement with Staff Recommendation
2. Do not proceed with staff recommendation, in which case the charge will remain on the tax roll but the potential for controversy will remain. The City Attorney recommends approval of the resolution to eliminate that potential.

**Fiscal Impact**

The cost to prepare this resolution and staff report involve only budget resources, as does collection of the sewer service charge on the tax roll. Should the Council not adopt this resolution, additional legal services could be required to resolve any resulting controversy.

1 RESOLUTION NO. 13-  
2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN RATIFYING  
3 RESOLUTION NO. 13-59 PLACING SEWER SERVICE USE CHARGES FOR FISCAL  
4 YEAR 2013-14 ON THE COUNTY TAX ROLL

5 -----  
6 WHEREAS, the City of Auburn is authorized under Health and Safety  
7 Code section 5473 to adopt a resolution, by two-thirds vote, to collect charges  
8 for sanitation and sewage systems at the same time and in the same manner  
9 as its general taxes; and

10 WHEREAS, the Auburn City Council conducted a duly noticed public  
11 hearing on June 24, 2013 to consider a report of the Administrative Services  
12 Director to place Sewer Service Use Charges on the Placer County Tax Roll;  
13 and

14 WHEREAS, at the conclusion of the hearing, the three City  
15 Councilmembers present voted unanimously to approve Resolution No. 13-59,  
16 placing the Sewer Service Use Charges on the Placer County Tax Roll; and

17 WHEREAS, Health & Safety Code section 5473 can be interpreted to  
18 require four affirmative votes for adoption of Resolution No. 13-59; and

19 WHEREAS, the City Council desires to ratify the Council's prior action  
20 passing Resolution No. 13-59 to avoid dispute on this issue.

21 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES  
22 HEREBY RESOLVE AS FOLLOWS:

- 23 1. That the action of the City Council on June 24, 2013 to adopt  
24 Resolution No. 13059 is hereby ratified.  
25 2. The City Clerk shall certify to the adoption of this resolution.

26 DATED: July 22, 2013

27 \_\_\_\_\_  
28 KEVIN HANLEY, Mayor

1 ATTEST:

2  
3 Stephanie Snyder, City Clerk

4  
5 I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that  
6 the foregoing resolution was duly passed at a regular meeting of the City  
7 Council of the City of Auburn held on the 22nd day of July 2013 by the  
8 following vote on roll call:

9 Ayes:

10 Noes:

11 Absent:

12 Stephanie Snyder, City Clerk